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THE
CONCLUSION
OF THE EARLE OF
STRAFFORDS
DEFENCE

The twelfth of April, 1641.



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CONFIRMATION
OF THE
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The Conclusion of the
 Earle of *Straffords* Defence,
 the twelfth of April. 1641.



MY *Lords*, there yet remains another Treason, that I should bee guilty of; the endeavouring to subvert the fundamentall Lawes of the Land, that they should now bee Treason, together, that is not Treason in any one part of Treason accumulative, that so when all will not do, it is woven up with others, it should seeme very strange.

Under favour, my *Lords*, I doe not conceive that there is either Statute-Law, nor Common-law, that doth declare the endeavouring to subvert the fundamentall Lawes to be high Treason.

For neither *Statute-law*, nor *Common-law* written, that ever I could hear of, declareth it so.

And yet I have been diligent to enquire, (as I beleeeve you thinke it doth concerne me to do.)

It is hard to be questioned for life and honour, upon a Law that cannot be shewne.

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There

There is a rule which I have learned from Sir Edward Cooke, *De non apparentibus & non existentibus eadem ratio*, (Jesu) where hath this fyre laine all this while, so many hundreds of yeares without any smoke to discover it, till it thus burst forth to consume me, and my children extream hard in my opinion, that punishment should preceed promulgation, of a Law punished by a Law, subseqent to the Acts done?

Take it into your considerations, for certainly it is now better to be under no law at all but the will of men, then to conforme our selves under the protection of a law as we think, and then be punished for a crime that doth preceed that law, what man can be safe, if that be once admitted?

My Lords, it is hard in another respect, that there should be no token set upon this offence, by which we should know it, no admonition by which we should be aware of it.

If a man passe down the *Thames* in a Boat, and it be split upon an anchor, and a Boye, being set as a token that there is an anchor there, that party that owes the anchor, by the *Maritime Lawes*, shall give satisfaction for the damage done; but if it were marked out, I must come upon mine owne perill.

Now where is the marke upon this crime, where is the token that this is high Treason?

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If it be under water and not above water, no humane providence can availe nor prevent my destruction.

Lay aside all humane wisdom, and let us rest upon wil divine Revelation, if you coudemne before you forewarne of the danger.

Oh my *Lords*, may your Lordships bee pleased to give that regard unto the Peerage of *England*, as never to suffer our selves to be put on those *nice* points, upon such constructive interpretations, and these are vvhhere Lawes are not cleare or knowne, if there must be a tryall of wits, I doe most humbly beseech you, the subject and matter may be in some what else, then the lives and Honours of Peers.

My *Lords*, we finde that in the Primitive times, in the progression of the plain Doctrine of the *Apostles*; they brought the books of curious arts, and burned them. And so likewise as I do conceive, it will be wisdom and providence in your Lordships, for your posterity, and the whole Kingdome, to cast from you into the fire these bloudy and most mysterious volumes of constructive and Arbitrary Treason; and to betake your selves to the plain Letter of the Law and Statute, that tellethus where the crime is, And by telling what is, and what is not, shevves how to avoid it. And let us not be ambitious, to bee more vvise and learned in the killing Arts, then our forefathers were.

It is now full 200 and 40 yeares, since ever any man was touched for this alleaged cryme (to this height) before my self, we have lived happily to our selves at home, and we have lived gloriously to the world abroad.

Let us rest contented with that which our Fathers left us, and not awake those sleepy Lyons to our own destructions; by taking up a few musty records that have layen so many ages by the walls, quite forgotten and neglected.

May your Lordships be Nobly pleased, to adde that to those other misfortunes befallen me for my sinnes, not for my Treasons; that a precedent should not bee derived from me of that disadvantage (as this will be in the consequent to the whole Kingdome) I beseech you seriously to consider it, and let not my particular case be so looked on as you do; though you wound me in my interest in the Common wealith, and therefore those Gentlemen say, that they speak for the Common-wealith, yet in this particular I indeed speake for it, and the inconveniences and mischiefes that will heavily fall upon us; for as it is in the 1. of Henry the fourth, no man will after know what to do, or say, for fear.

Do not put (my Lords) so great difficulties upon the Ministers of State, that men of wisdom, honour, and vertue, may not with chearfulnesse and safety, be employed for the publike, if you weigh and measure them by grains and scruples, the publike affaires of the Kingdome will be laid waste, & no man will

will meddle with them, that hath honours, issues, or any fortunes to lose.

My *Lords*, I have now troubled you, longer then I should have done, were it not for the interest of those dear pledges, a Saint in heaven hath left me; I should be loath my *Lords*, (there hee stopped.)

What I forfeit for my selfe it is nothing, but that my indiscretion should forfeit for my childe, it even woundeth me deep to the very soul.

You will pardon my infirmity, something I should have said, but I am not able, (and sighed) therefore let it passe.

And now my *Lords*, I have been by the blessings of Almighty God taught, that the afflictions of this life present, are not to be compared to the eternall weight of glory that shall be revealed to us hereafter.

And so, my *Lords*, even so with tranquility of minde, I do submit my self freely and clearly to your Lordships judgements; and whether that righteous judgement shall be to life or death.

*Te Deum laudamus, te Dominum
confitemur.*

F I N I S.

